

**CLASS ACTION REGARDING THE CLEANING OF AN INSTRUMENT USED  
DURING BARIATRIC SURGERIES AT THE LACHINE HOSPITAL BETWEEN  
MARCH 2012 AND MARCH 2014 INCLUSIVELY**

**PLEASE READ THIS NOTICE ATTENTIVELY SINCE YOUR RIGHTS AND RECOURSES MAY  
BE AFFECTED BY A PROPOSED SETTLEMENT**

Dear Sir or Madam:

You are receiving the present letter because you have been involved in a patient recall further to the finding that an instrument (a liver retractor) used in bariatric surgeries performed at the Lachine Hospital between March 2012 and March 2014 inclusively may have been improperly cleaned. As you may be aware, a class action has been filed on your behalf concerning these events.

Without any admission of wrongdoing or liability on the part of the respondent the Lachine Hospital, the parties have reached an agreement to settle this class action.

The settlement agreement definitively settles the class action in case number 500-06-000701-140. If the Court approves it, it will have the effect of terminating any and all claims for compensatory or moral damages such as fear and anxiety, and punitive damages, arising from the improper cleaning of the liver retractor and the ensuing blood tests to detect Hepatitis B (HBcAg), Hepatitis C (HCV) and/or HIV (“**Blood Test**”) that you have or might have had to undergo, unless you opt out in the process described below.

The advantages conferred upon the class members and set out in the settlement agreement may be summarized as follows, subject to withholdings by the *Fonds d'aide aux recours collectifs*:

- Each Class Member who underwent a Blood Test that did not diagnose any illness and who advised the Lachine Hospital of these results will receive **\$500**.
- Each Class Member who, because of the date of their surgery, had to undergo a second Blood Test that did not diagnose any illness and who advised the Lachine Hospital of these results, will receive an additional compensation of **\$250**.
- A Class Member who can establish that he or she underwent a Blood Test between April 1, and July 29, 2014 at a private clinic or at another medical facility that did not diagnose an illness and who did not advise the Lachine Hospital of these results will be entitled to **\$500**.
- A Class Member who can establish that because of the date of his or her surgery, he or she underwent a second Blood Test between June 1, 2014 and September 30, 2014 that did not diagnose an illness and who did not advise the Lachine Hospital of these results will receive an additional compensation of **\$250**.

The complete terms of the settlement agreement are available at [www.lexgroup.ca/classaction/lachinehospital/](http://www.lexgroup.ca/classaction/lachinehospital/).

This settlement agreement will be submitted to the Honourable Justice Guylène Beaugé of the Superior Court of Québec on **May 27, 2016, at 9:30 a.m., in Room 15.07 of the Montreal Courthouse, 1 Notre-Dame Street East, Montreal, Québec**, for her approval. Justice Beaugé will also be asked to authorize the class action solely for the purpose of approving the settlement agreement.

You have nothing to do if you wish to be bound by the settlement and the eventual judgment of the Court approving same.

#### Objection Process

If you wish to contest the approval of this settlement agreement, you must submit a signed objection notice on or before **May 20, 2016** at the latest. Your notice must briefly state your name, contact information, the reasons behind your objection, whether you intend to be present at the court hearing on May 27, 2016, and if you intend to be represented by independent counsel (providing the name and contact information of said counsel if known).

#### Opt-out Process

If you wish to opt-out of the settlement of this class action, you must submit a signed opt-out notice (by mail, fax or e-mail) by **July 6, 2016**. This notice **MUST** include the following information:

- Your full legal name; and
- Your full home address; and
- Your telephone number(s); and
- Your e-mail address (optional); and
- Specifically confirm that your wish to “opt-out from the Lachine Hospital Bariatric Surgery Class Action Settlement” (or other equivalent language).

If you opt-out from the settlement, you will not be eligible to receive the benefits mentioned above. If you opt-out, you should be aware that there are strictly enforced time limits within which you must take formal legal action to pursue your claim. By opting out, you will take full responsibility for taking all necessary legal steps to protect your claim.

You will **NOT** receive any further notice regarding your right to opt-out if the settlement is approved.

These notices must be sent to the attorney acting on behalf of the class, Mtre David Assor, at:

Mtre David Assor  
Lex Group Inc.  
4101 Sherbrooke Street West  
Westmount, QC, H3Z 1A7  
Email: davidassor@lexgroup.ca  
Fax: (514) 875-8218

**This notice has been approved by the Superior Court of Québec.**